

Senate File 513

S-5046

1 Amend Senate File 513 as follows:

2 1. Page 1, line 1, by striking <2021> and inserting <2022>

3 2. Page 1, line 3, by striking <Any reports> and inserting
4 <A crisis intervention report>

5 3. Page 1, line 15, after <A> by inserting <crisis
6 intervention>

7 4. Page 1, line 22, by striking <Reports> and inserting
8 <Crisis intervention reports>

9 5. Page 1, by striking lines 24 through 27 and inserting:

10 <d. Notwithstanding other provisions of this subsection,
11 the date, time, specific location, and immediate facts and
12 circumstances surrounding a crime or incident shall not be kept
13 confidential under this subsection, except where disclosure
14 would pose a clear and present danger to the safety of the
15 person subject to the crisis intervention report or the safety
16 of others.

17 e. For the purposes of this subsection:

18 (1) "*Crisis intervention report*" or "*report*" means a report
19 generated by a law enforcement agency using a prescribed form
20 created by the department of justice to record the following
21 information relevant to assess the nature of a crisis:

22 (a) Any biological or chemical causes of the crisis.

23 (b) Any observed demeanors and behaviors of the person
24 experiencing the crisis.

25 (c) Persons notified in relation to the crisis.

26 (d) Whether suicide or injuries occurred in relation to the
27 crisis and the extent of those injuries.

28 (e) Whether weapons were involved in the crisis and a
29 description of the weapon.

30 (f) The disposition of the crisis intervention and any crime
31 committed.

32 (2) "*Housing crisis*" means a situation where a person is
33 experiencing homelessness, a lack of adequate or safe housing,
34 or is in imminent danger of homelessness or lack of adequate
35 or safe housing.>

1 6. Page 1, before line 28 by inserting:

2 <Sec. _____. Section 125.2, Code 2022, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 11A. “Magistrate” means the same as defined
5 in section 801.4, subsection 10.

6 Sec. _____. Section 125.91, subsection 2, Code 2022, is
7 amended to read as follows:

8 2. a. A peace officer who has reasonable grounds to
9 believe that the circumstances described in [subsection 1](#) are
10 applicable may, without a warrant, take or cause that person
11 to be taken to the nearest available facility referred to in
12 section 125.81, subsection 2, paragraph “b” or “c”. Such a
13 person with a substance-related disorder due to intoxication
14 or substance-induced incapacitation who also demonstrates
15 a significant degree of distress or dysfunction may also
16 be delivered to a facility by someone other than a peace
17 officer upon a showing of reasonable grounds. Upon delivery
18 of the person to a facility under [this section](#), the attending
19 physician and surgeon or osteopathic physician and surgeon may
20 order treatment of the person, but only to the extent necessary
21 to preserve the person’s life or to appropriately control
22 the person’s behavior if the behavior is likely to result in
23 physical injury to the person or others if allowed to continue.
24 The peace officer or other person who delivered the person to
25 the facility shall describe the circumstances of the matter to
26 the attending physician and surgeon or osteopathic physician
27 and surgeon. If the person is a peace officer, the peace
28 officer may do so either in person or by written report.

29 b. If the attending physician and surgeon or osteopathic
30 physician and surgeon has reasonable grounds to believe that
31 the circumstances in [subsection 1](#) are applicable, the facility
32 shall have the authority to detain the person for a period of
33 no longer than twelve hours. Within twelve hours of detaining
34 a person pursuant to this section, the attending physician
35 shall at once communicate with the nearest available magistrate

1 ~~as defined in section 801.4, subsection 10.~~

2 c. The Once contacted pursuant to paragraph "b", the
3 magistrate shall, based upon the circumstances described by
4 the attending physician and surgeon or osteopathic physician
5 and surgeon, give the attending physician and surgeon or
6 osteopathic physician and surgeon oral instructions either
7 directing that the person be released forthwith, or authorizing
8 the person's detention in an appropriate facility. The
9 magistrate may also give oral instructions and order that the
10 detained person be transported to an appropriate facility.

11 ~~b.~~ d. If the magistrate orders that the person be detained,
12 the magistrate shall, by the close of business on the next
13 working day, file a written order with the clerk in the county
14 where it is anticipated that an application may be filed
15 under section 125.75. The order may be filed by facsimile
16 if necessary. The order shall state the circumstances under
17 which the person was taken into custody or otherwise brought
18 to a facility and the grounds supporting the finding of
19 probable cause to believe that the person is a person with
20 a substance-related disorder likely to result in physical
21 injury to the person or others if not detained. The order
22 shall confirm the oral order authorizing the person's detention
23 including any order given to transport the person to an
24 appropriate facility. The clerk shall provide a copy of that
25 order to the attending physician and surgeon or osteopathic
26 physician and surgeon at the facility to which the person was
27 originally taken, any subsequent facility to which the person
28 was transported, and to any law enforcement department or
29 ambulance service that transported the person pursuant to the
30 magistrate's order.

31 Sec. _____. Section 229.1, Code 2022, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 8A. "Magistrate" means the same as defined
34 in section 801.4, subsection 10.

35 Sec. _____. Section 229.22, subsection 2, paragraph a,

1 subparagraphs (4) and (5), Code 2022, are amended to read as
2 follows:

3 (4) (a) If the examining physician, examining physician
4 assistant, examining mental health professional, or examining
5 psychiatric advanced registered nurse practitioner finds
6 that there is reason to believe that the person is seriously
7 mentally impaired, and because of that impairment is likely
8 to physically injure the person's self or others if not
9 immediately detained, the facility shall have the authority
10 to detain the person for a period of no longer than twelve
11 hours. Within twelve hours of detaining a person pursuant to
12 this section, the examining physician, examining physician
13 assistant, examining mental health professional, or examining
14 psychiatric advanced registered nurse practitioner shall ~~at~~
15 ~~once~~ communicate with the nearest available magistrate as
16 ~~defined in section 801.4, subsection 10.~~

17 ~~(5)~~ (b) The Once contacted pursuant to subparagraph
18 division (a), the magistrate shall, based upon the
19 circumstances described by the examining physician, examining
20 physician assistant, examining mental health professional, or
21 examining psychiatric advanced registered nurse practitioner,
22 give the examining physician, examining physician assistant,
23 examining mental health professional, or examining psychiatric
24 advanced registered nurse practitioner oral instructions either
25 directing that the person be released forthwith or authorizing
26 the person's detention in an appropriate facility. A peace
27 officer from the law enforcement agency that took the person
28 into custody, if available, during the communication with the
29 magistrate, may inform the magistrate that an arrest warrant
30 has been issued for or charges are pending against the person
31 and request that any oral or written order issued under this
32 subsection require the facility or hospital to notify the law
33 enforcement agency about the discharge of the person prior to
34 discharge. The magistrate may also give oral instructions and
35 order that the detained person be transported to an appropriate

1 facility.

2 Sec. _____. Section 331.910, subsection 3, paragraph a, Code
3 2022, is amended to read as follows:

4 a. A region may contract with a receiving agency in a
5 bordering state to secure substance abuse or mental health care
6 and treatment under [this subsection](#) for persons who receive
7 substance abuse or mental health care and treatment pursuant to
8 section 125.33 ~~or~~, [125.91](#), [229.2](#), or [229.22](#) through a region.

9 Sec. _____. Section 331.910, subsection 4, paragraphs a and b,
10 Code 2022, are amended to read as follows:

11 a. A person who is detained, committed, or placed on an
12 involuntary basis under [section 125.75](#) ~~or~~, [125.91](#), [229.6](#), or
13 [229.22](#) may be civilly committed and treated in another state
14 pursuant to a contract under [this subsection](#).

15 b. A person who is detained, committed, or placed on
16 an involuntary basis under the civil commitment laws of a
17 bordering state substantially similar to [section 125.75](#) ~~or~~,
18 [125.91](#), [229.6](#), or [229.22](#) may be civilly committed and treated
19 in this state pursuant to a contract under [this subsection](#).

20 7. Title page, lines 1 and 2, by striking <the
21 confidentiality of certain law enforcement information
22 involving a person> and inserting <persons>

23 8. By renumbering as necessary.

DAN DAWSON